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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

VS. CRIMINAL No. 13-669

JAMAHL SIMMONS

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TO: The Honorable Judges of the United States District Court for the Eastern District of Pennsylvania.

**DEFENDANT’S RESPONSE TO THE COURT’S ORDER FOR THE  
SUBMISSION OF REQUESTED POINTS FOR CHARGE**

The requested points for charge submitted by the defendant’s counsel are taken from the Third Circuit’s Eastern District of Pennsylvania Model Jury Instructions, chapters 3 and 4. They are listed here below in numerical fashion just as they are enumerated in that document.

Chapter 3

3.01 Role of the Jury

3.02 Evidence

3.03 Direct and Circumstantial Evidence

3.04 Creditability of Witnesses

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3.06 Presumption of Innocence, Burden of Proof, Reasonable Doubt

3.07 Nature of Indictment

3.10 Elements of Offenses Charged

3.12 Separate Consideration-Single Defendant Charged with Multiple Offenses

3.16 Election of Foreperson; Unanimous Verdict; Do Not Consider Punishment; Duty to Deliberate; Communication with Court

3.17 Verdict Form

#### Chapter 4

4.01 Stipulated of Testimony

4.02 Stipulation of Fact

4.05 Audio/Video Recordings-Non Consensual

4.08 Opinion Evidence (Expert Witness)

4.12 Chain of Custody

4.15 Eye Witness Identification of the Defendant

4.16 Missing Witness

4.18 Credibility of Witnesses-Law Enforcement

4.19 Credibility of Witnesses- Witness Who hs Pleaded Guilty to same or Related Offense, Accomplices, Immunized Witness, Cooperating Witnesses

4.20 Credibility of Witness-Testimony of Informer

4.21 Credibility of Witnesses-Testimony of Addict or Substance Abuser

4.22 Impeachment of Witness-Prior Inconsistent Statement for Credibility Only

4.23 Impeachment-Bad Character for Truthfulness

4.25 Impeachment of Witness-Prior Conviction

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4.26 False in One, False in All

4.27 Defendant's Choice Not to Testify or Present Evidence

RESPECTFULLY SUBMITTED,

*Robert F. H. Miller, Esq.*  
ROBERT E. H. MILLER, ESQUIRE  
Attorney for Petitioner

DATE: \_\_\_\_\_